

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



January 18, 2007

Regulation Package # 0705-12

CDSS MANUAL LETTER NO. SP-06-01

TO: HOLDERS OF THE SPECIALIZED PROGRAMS MANUAL, DIVISION 69

Regulation Package # 0705-12**Effective: 11/16/06****Sections 69-214, 69-216, 69-302, 69-303, 69-304 and 69-305**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/Eligibilit_617.htm.

These regulations implement 45 Code of Federal Regulations (CFR) Section 400, Subpart H, Child Welfare Services, in providing services under the Unaccompanied Refugee Minor Program. These reflect Unaccompanied Refugee Minor policies outlined in California's federally-approved State Plan. In accordance with 45 CFR 400.115 and Welfare and Institutions Code Section 300 or Probate Code Section 1500 or 1501, the foster family agency will establish protective legal custody for the child within 30 days of the child's arrival into the location of resettlement. Primary responsibility for the child's welfare is vested in Catholic Charities of San Jose, which ensures that the child receives the full range of child welfare benefits and services as provided to non-refugee children in foster care.

Existing regulations required amendments to provide direction regarding eligibility for certified victims of a severe form of trafficking to receive Refugee Cash Assistance (RCA) benefits. The Trafficking Victims Protection Act (TVPA) of 2000, Public Law (P.L.) 106-386 (8 United States Code 7105(b)(1)) makes victims of a severe form of trafficking of persons eligible for benefits and services to the same extent as refugees. The TVPA was reauthorized and amended by the Trafficking Victims Protection Reauthorization Act (TVPR) of 2003, P.L. 108-193. The TVPR also provides that certain family members of trafficking victims are eligible for benefits and services to the same extent as refugees effective December 19, 2003.

These regulations will exempt any income in-kind provided by a private non-profit organization as income. This will make the RCA provision consistent with CalWORKs as required by 45 CFR 400.66(a)(1).

These regulations will also repeal regulations which currently preclude recipients of RCA from receiving homeless assistance. The Office of Refugee Resettlement State Letter SL00-12 announced a substantial policy change that states asylees will be eligible for refugee assistance and services beginning on the date they are granted asylum. Because of the time it normally takes for an individual to apply for asylum and then proceed through the Immigration and Naturalization Service (INS) (now known as United States Citizenship and Immigration Services (USCIS)) adjudication process, most asylees do not have enough remaining time (of the eight months eligibility) to access and receive refugee cash and medical assistance and social services.

Because asylees do not receive assistance from voluntary agencies, asylees may need homeless assistance. These regulations will allow RCA recipients to receive homeless assistance if they are otherwise eligible.

FILING INSTRUCTIONS

The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Specialized Programs Regulations Changes was SP-02-02.

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<u>Page(s)</u>	<u>Replace(s)</u>
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25	Page 25
29	Page 29
36 through 39	Pages 36 through 39
42 and 43	Pages 42 and 43
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Attachments

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REFUGEE PROGRAMS
REFUGEE RESETTLEMENT PROGRAM

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REFUGEE RESETTLEMENT PROGRAM

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REFUGEE PROGRAMS		
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69-200	REFUGEE RESETTLEMENT PROGRAM	69-200
69-201	GENERAL STATEMENT	69-201

- .1 These regulations implement the Federal Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980 (P.L. 96-212), federal regulations 45 CFR Part 400, and additional instructions issued by the Federal Office of Refugee Resettlement (ORR), in order to provide financial assistance, medical assistance and social services to all refugees in the United States regardless of national origin.
- .2 The California Department of Social Services (CDSS) is the designated state agency responsible for development of the State Plan for Refugee/Entrant Assistance and for the administration of the plan in accordance with 45 CFR Section 400.5.
- .3 County Welfare Departments (CWDs) shall determine the eligibility of refugees in the Refugee Resettlement Program (RRP) for CalWORKs or Refugee Cash Assistance (RCA). Eligibility for SSI/SSP shall be determined by the Social Security Administration. The CWD shall administer these programs according to federal policy under the supervision of CDSS for financial assistance and social services, and the State Department of Health Services (DHS) for medical services.
- .4 CalWORKs program regulations relating to financial eligibility and payments apply (except for Diversion Services payments [See MPP Section 81-215.31]) unless specifically superseded by RCA regulations contained herein.

The following regulations shall be followed in implementing the program for financial assistance.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 400 and 400.5.

69-202	UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS) STATUS REQUIREMENT	69-202
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- .1 For purposes of determining eligibility for cash assistance and social services under RRP, a person must provide proof, in the form of documentation issued by the USCIS, of one of the following statuses:
 - .11 Paroled as a refugee or asylee under Section 212(d)(5) of the INA.
 - .12 Cuban and Haitian entrants, in accordance with requirements in Section 69-302.
 - .13 Admitted as a refugee under Section 207 of the INA.
 - .14 Granted asylum under Section 208 of the INA.
 - .15 Certified as a victim of a severe form of trafficking by the federal Office of Refugee Resettlement (ORR).
 - .16 Eligible family members of a victim of a severe form of trafficking certified by ORR who have a T-2, T-3, T-4, or T-5 Visa.
 - .17 Certain Amerasians from Vietnam who are admitted to the United States as immigrants pursuant to Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in Section 101(e) of Public Law 100-202 and amended by the 9th proviso under Migration and Refugee Assistance in Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 1989 (Public Law 100-461 as amended)).
 - .18 Admitted for permanent residence provided the individual previously held one of the statuses identified above.
- .2 For purposes of determining eligibility for assistance and social services under RRP, the term "refugee" does not include:
 - .21 Any person with an USCIS status of 1) applicant for asylum (as distinguished from a person who has been granted asylum) or 2) Cuban/ Haitian Entrant, or 3) Humanitarian/Public Interest Parolee.

HANDBOOK BEGINS HERE

- .211 Cubans and Haitians are assisted under the Cuban/Haitian Entrant Program (CHEP) and receive cash assistance under the Entrant Cash Assistance (ECA) Program.

HANDBOOK ENDS HERE

69-202	UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS) STATUS REQUIREMENT (Continued)	69-202
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- .22 Those persons who are 1) actually dependent upon a repatriated United States citizen, except as provided in Section 69-202.221, and 2) who meet one of the following categories of relationship with such citizen: spouse, parents, grandparents, unmarried minor (under 18 years), children including adopted children and stepchildren, unmarried adult children who are dependent because they are handicapped, including adopted children and stepchildren, spouse's parents, spouse's grandparents and minor siblings of the repatriate and spouse. Repatriated United States citizens and their dependents as defined above are included in the Repatriate program. (See [MPP] Division 68.)
- .221 Following the first 90 days after date of entry in the United States, those dependents of repatriated United States citizens who qualify as refugees are eligible to apply under the RRP.

.3	Children
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- .31 In a number of cases, children have been born in the United States to refugee parents, or have been born to a refugee and a United States citizen. These children are considered to be United States citizens by birth. However, under the following circumstances, such children are eligible for assistance (CalWORKs, SSI/SSP, RCA, and medical assistance) and social services funded under RRP:
- .311 Children born in the United States of refugee parents are eligible for cash and medical assistance and social services through RRP. Such children are to be included in the parent's case.
- .312 Children who are born of a refugee and a United States citizen, who are living with the aided refugee parent only, can be aided through RRP. Such children are to be included in the refugee parent's case.
- .32 United States citizen children born of a refugee and a United States citizen are not eligible for assistance or services funded by RRP if the household unit includes the United States citizen parent. In these situations, the refugee parent if eligible may receive RRP funded assistance (CalWORKs, SSI/SSP, RCA and/or medical assistance) and social services; and the United States citizen parent and the children if eligible may be aided under the regular (non-RRP funded) CalWORKs, SSI/SSP, medical assistance and/or social services programs.

69-202 UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS) STATUS REQUIREMENT (Continued)	69-202
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- .33 In any household unit consisting of a refugee and a nonrefugee alien, the "nonrefugee alien" should be considered as the "United States citizen" for purposes of Sections 69-202.31 and .32.
- .34 Children of refugees who are relinquished for foster care placement shall have their eligibility for AFDC-FC determined in accordance with AFDC-FC regulations.
- .35 Minor refugee children for whom no legal relationship has been established with an adult, shall be referred to the appropriate agency, contracted with by the State to operate the Unaccompanied Refugee Minor Program, to initiate the establishment of legal custody and/or guardianship, as appropriate, in accordance with applicable State law.

.4 RCA

- .41 For purposes of determining eligibility for RCA, RCA means cash assistance provided to refugees who have been determined to be ineligible for CalWORKs or SSI/SSP and who have resided in the United States for no longer than the period of time required by federal regulations contained in 45 CFR Sections 400 et seq. or official issuances from the Director of the Federal Office of Refugee Resettlement. This period of time is referred to as time eligibility.

HANDBOOK BEGINS HERE

- .411 Federal regulations, effective October 1, 1991, set RCA time eligibility at 8 months (45 CFR Sections 400.203 and 400.211).

HANDBOOK ENDS HERE

- .42 Repealed by Manual Letter No. SP-91-01, effective 2/1/91.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 8 U.S.C. 1182(d)(5)(B), 45 CFR 400.43; The Trafficking Victims Protection Reauthorization Act of 2000 (P.L. 106-386), Sections 107(b)(1)(A), (B), and (C); and The Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193).

69-204	ELIGIBILITY FOR SSI/SSP AND CALWORKS PROGRAMS	69-204
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.1 SSI/SSP

Aged, blind or disabled refugee applicants for assistance shall be referred to the appropriate Social Security Administration District Office to apply for SSI/SSP. This program is a primary resource for refugees who meet the eligibility requirements. Application for and receipt of SSI/SSP is mandatory, if determined eligible.

.2 CalWORKs

Refugees who qualify for assistance under the CalWORKs program shall be aided under the CalWORKs program. Those who do not qualify for CalWORKs shall have their eligibility determined for RCA per Section 69-205. The refugee has no option as to program preference.

.3 Reserved

.4 Repealed by Manual Letter No. SP-02-01, effective 2/1/02.

.41 Repealed by Manual Letter No. SP-02-01, effective 2/1/02.

.411 Repealed by Manual Letter No. SP-96-01, effective 6/27/96.

.42 Repealed by Manual Letter No. SP-02-01, effective 2/1/02.

.43 Repealed by Manual Letter No. SP-02-01, effective 2/1/02.

.44 Repealed by Manual Letter No. SP-02-01, effective 2/1/02.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 45 CFR 400.

69-205	ELIGIBILITY FOR REFUGEE CASH ASSISTANCE (RCA)	69-205
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.1 RCA Eligibility Factors

.11 Requirements of categorical relatedness applicable to the CalWORKs program are waived for assistance under RCA (see Section 69-202.41) and aid shall be granted without regard to the presence of children, age or number of hours worked. Factors which must be considered in determining eligibility are: time eligibility (Section 69-205.24); refugee status (Section 69-202.1); income and resources (Section 69-206); attendance in an institution of higher education (Section 69-205.4); and registration, employment and employment-directed educational/training requirements (Section 69-207). In addition to these factors, as a condition for receiving assistance, the applicant/recipient shall, if applicable, provide the name of his/her sponsor or responsible VOLAG.

69-205	ELIGIBILITY FOR REFUGEE CASH ASSISTANCE (RCA) (Continued)	69-205
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.2 Eligibility Determination

CalWORKs program forms shall be used for eligibility determination, unless alternate forms are approved by CDSS for use by the CWD.

.21 The eligibility of each RCA applicant shall be determined as promptly as possible within no more than 30 days from the date of application.

.211 The date of application is the date to use for the beginning date of RCA.

.22 Counties shall not deny RCA applicants cash assistance based on the applicant's refusal to disclose his/her social security number.

.221 Counties may request that an RCA applicant voluntarily provide his/her social security number. If a county selects to make this request, it must:

(a) Inform the applicant the disclosure is voluntary; and

(b) Tell the applicant how the county will use the number.

.23 CWDs shall make available to RCA applicants the written policies of the RCA program, including agency policies regarding eligibility standards, the duration and amount of cash assistance payments, the requirements for participation in services, the penalties for non-cooperation, and client rights and responsibilities to ensure that refugees understand what they are eligible for, what is expected of them, and what protections are available to them. The CWD shall ensure that agency policy materials and all notices required are made available in written form in English and in appropriate languages where a significant number or proportion of the recipient population needs information in a particular language. For refugee groups that make up only a small number of the recipient population, CWDs, at a minimum, shall use an alternative method, such as verbal translation in the refugee's native language, to ensure that the content of the policies is effectively communicated to each refugee.

.24 Time-Eligibility

.241 Eligibility for RCA is limited to the number of months required in Section 69-202.41 following the refugee's date of entry in the United States. The month of entry, as indicated on the USCIS Form I-94, is counted as the first month. Time-eligibility exceptions to this provision include asylees who are eligible for RCA beginning on the date they are granted asylum, victims of a severe form of trafficking who are eligible for RCA beginning on the date they are certified by the ORR; eligible family members of certified trafficking victims who are eligible for RCA from the date of entry into the U.S. or the date of the Derivative T Visa is issued if already present in the U.S.; and unaccompanied refugee minors (Section 69-213) who are not subject to the time-eligibility limitation.

69-205	ELIGIBILITY FOR REFUGEE CASH ASSISTANCE (RCA)	69-205
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(Continued)

.412 An "institution of higher education" is a:

- (a) Public or private nonprofit educational institution which provides:
 - (1) An educational program for which it awards an associate, baccalaureate, graduate, or professional degree; or
 - (2) At least a two-year program which is acceptable for full credit toward a baccalaureate degree; or
 - (3) At least a one-year training program which leads to a certificate or degree and prepares students for gainful employment in a recognized occupation; or
- (b) Proprietary institution of higher education which provides at least a six-month program of training to prepare students for gainful employment in a recognized occupation; or
- (c) Post secondary vocational institution which is a public or private nonprofit educational institution and provides at least a six-month program of training to prepare students for gainful employment in a recognized occupation.

.42 Refugees who are enrolled and participating in training programs offered at an institution of higher education on a full-time basis as part of an employability plan developed by the CWD or its designee, when such training is less than one year, shall not be denied or discontinued from RCA.

.43 Refugees who are enrolled and participating in training programs offered at an institution of higher education on less than a full-time basis as part of an employability plan developed by the CWD or its designee, when such training is less than one year in duration, shall not be denied or discontinued from RCA when attendance in classes in a college program offered at the institution results in full-time status.

.44 If an employed RCA recipient is a professional in need of professional refresher training and other services in order to qualify to practice his/her licensed profession in the United States, the training may consist of full-time attendance in a college or professional training program, provided that such training:

69-205	ELIGIBILITY FOR REFUGEE CASH ASSISTANCE (RCA)	69-205
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(Continued)

- .441 Is approved as part of the individual's employability plan as developed by the CWD or its designee;
- .442 Does not exceed one year's duration (including any time enrolled in such program in the United States prior to the refugee's application for assistance. If there is no documentation available the CWD shall accept client declaration as an acceptable method for determining if the refugee has received higher education in the United States prior to application for aid); and
- .443 Is specifically intended to assist the individual in becoming relicensed in his/her profession; and, if completed, can realistically be expected to result in such relicensing.

NOTE: Authority cited: Section 10554, Welfare and Institutions Code. Reference: Section 10553, Welfare and Institutions Code; 45 CFR 400.55; 45 CFR 400.66; and 45 CFR 400.81(b); The Trafficking Victims Protection Act of 2000 (P.L. 106 - 386), Sections 107(b)(1)(A), (B), and (C); and the Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193).

69-206	INCOME AND RESOURCES	69-206
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.1 Income

Income shall be considered on the same basis as in the CalWORKs program for determining need and computing the assistance payment, except that the sponsored alien provisions as it applies in the CalWORKs program shall not be applied to RCA cases.

- .11 Any reception and placement cash received by a refugee after their arrival into the U.S. shall not be considered in determining income eligibility.

.2 Resources

Real and personal property limitations shall be those prescribed in CalWORKs program regulations, except that the sponsored alien provisions in the CalWORKs program shall not be applied to RCA cases.

- .21 Any resources remaining in the applicant's country of origin shall not be considered in determining income eligibility.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 10553, Welfare and Institutions Code.

69-207	REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED EDUCATION/TRAINING REQUIREMENTS	69-207
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.1 General Requirements

.11 As an applicant for RCA, a refugee shall not, without good cause, within 30 consecutive calendar days immediately prior to the application for assistance, have voluntarily quit employment or have refused to accept an offer of employment or employment-directed education/training, or refused to participate in a CWD-approved or referred employment-directed education/training program.

.12 As a condition for receipt of cash assistance, an applicant/recipient, who is not exempt under Section 69-207.3 shall, except for good cause shown:

.121 Register with an appropriate agency and, within 30 days of receipt of RCA, participate in CDSS-funded, CDSS-approved or other CWD-approved employment services; or

.122 Participate in any refugee-funded employability service program which provides job or language training in the area in which the refugee resides and which is determined to be available and appropriate for that refugee; or if such a program is not available or appropriate in the area in which the refugee resides any other available and appropriate program in such area.

.123 Accept a bona fide offer of employment-directed education/training, which is CWD-sponsored, approved or referred; and participate in the education/training program in accordance with the criteria set by the program.

.124 Participate in a social service or targeted assistance program which the resettlement agency responsible for the initial resettlement of the refugee deems to be available or appropriate.

.125 Report to the CDSS-funded, CDSS-approved or CWD-approved employment-directed program when requested to by the program.

69-207	REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED EDUCATION/TRAINING REQUIREMENTS (Continued)	69-207
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- .126 Accept referrals to employment interviews arranged by the CDSS-funded, CDSS-approved or CWD-approved employment-directed program.
- .127 Accept a job offered without regard to whether such job would interrupt a program of services planned or in progress, unless the refugee is participating in a program in progress of on-the-job training or vocational training which is being carried out as part of an approved employability plan.
- .13 Prior to approval of the application or receipt of aid the applicant/recipient must provide written verification to the CWD of his/her registration with the employment-directed education/training program or EDD.
- .14 Unless the order of priority is waived by CDSS, CWDs shall, when referring RCA applicants/recipients to education/training programs, give priority first to CDSS-funded or CDSS-approved programs and second to other CWD-approved programs. If no available education/training program can accept the applicant/recipient, the CWD shall refer the refugee to EDD for registration. Once the applicant/recipient has completed all available education/training programs, the CWD shall refer the refugee to EDD for registration.
- .15 The CWD shall refer all nonexempt (see Section 69-207.3 for exempt criteria) RCA applicants and recipients to the local CDSS-funded or CWD-approved project(s) providing employment-directed education/training for refugees. Such training must meet local employers' requirements so as to be likely to lead to employment within the local labor market. CWD referrals shall be accomplished in accordance with instructions and directives issued by CDSS.
- .16 As a condition of continued receipt of RCA, a nonexempt recipient who is employed 32 hours a week or less shall accept part-time employment-directed services, provided that such services do not interfere with the recipient's job.
- .17 As a condition of continued receipt of RCA, a nonexempt recipient shall not without good cause, voluntarily quit employment.
- .18 The CWD must document in the financial assistance eligibility case file that the employment services activity began within 30 days from receipt of RCA.

69-207	REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED EDUCATION/TRAINING REQUIREMENTS (Continued)	69-207
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.2 EDD Registration Requirements

.21 When it is determined that no available CDSS-funded or CWD-approved project(s) providing employment-directed services can accept the applicant or recipient, the CWD shall refer these nonexempt (see Section 69-207.3 for exemption criteria) RCA applicants and recipients to EDD for registration. The CWD shall use EDD-approved forms for referral, and clearly indicate on the form that the person is a refugee.

.22 If a nonexempt RCA applicant or recipient fails to do any of the following, he/she has not met or maintained the EDD registration requirements:

.221 Appear for EDD-arranged interviews with employers.

69-207	REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED EDUCATION/TRAINING REQUIREMENTS (Continued)	69-207
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| | .222 | Report to EDD when requested to by EDD. |
| | .223 | Accept referrals to employment interviews arranged by EDD. |
| | .224 | Accept a bona fide offer of employment-directed education/ training to which referred to by EDD, and participate in the education/training program in accordance with the criteria set by the program. |
| | .225 | Accept a bona fide offer of employment. |
| .3 | Refugees Exempt from Registration, Employment and Employment-directed Education/Training Requirements: | |
| | a. | A person under 16 years of age. |
| | b. | A person age 60 or older. |
| | c. | A person 16 or 17 years of age who is a full-time student as defined by the age chapter of the CalWORKs regulations. |
| | d. | A person 18 years of age who is a full-time student in a secondary school (12th grade or below) or in equivalent level of vocational or technical training as defined by the age chapter of the CalWORKs regulations, if the person is expected to complete 12th grade or the training program prior to his/her 19th birthday. |
| | e. | A person who is at least 16 but not yet 18 years and participating full time in vocational or technical school or training which is considered appropriate by the CWD. |
| | f. | A person who is ill or injured, when his/her illness or injury is verified by a physician's written statement that the illness or injury is serious enough to temporarily prevent his/her entry into employment or an employment-directed education/training program. |
| | g. | A person who is incapacitated, when it is determined that the physical or mental impairment, by itself or in conjunction with age, prevents the individual from engaging in employment or participating in an employment-directed education/training program. The criteria for determination of incapacity as outlined in MPP Section 41-430.2 shall be applied. |

69-207	REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED EDUCATION/TRAINING REQUIREMENTS (Continued)	69-207
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- h. A person whose presence in the home is required on a substantially continuous basis because of the physical or mental impairment of another member in the household, when verified by a physician's written statement.
- i. The parent or other caretaker relative of a child under six months of age who is personally providing full-time care for the child with only very brief and infrequent absences from the child. Only one parent or other relative in a case may be exempt.
- j. A person who is working more than 32 hours a week in unsubsidized employment which is expected to last a minimum of 30 days. This exemption continues to apply if there is a temporary break in full-time employment which is expected to last no longer than 10 workdays.
- k. A woman who is pregnant and provides medical verification that the pregnancy impairs her ability to be regularly employed or participate in employment/training related activities. An exemption based on a medically-verified pregnancy may also be granted when the CWD determines that participation will not readily lead to employment or that a training activity is not appropriate.

.4 Reserved

.5 Renumbered to Section 69-208.1 by SDSS Manual Letter No. SP-90-01, effective 4/2/90.

NOTE: Authority cited: Section 10554, Welfare and Institutions Code. Reference: 45 CFR 400.75, .76, .76(a)(7) and (a)(9), .77, and .78; and 45 CFR 400.80(a)(1), (b) and (c).

69-208	CAUSE DETERMINATIONS	69-208
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.1 General

If a recipient fails or refuses to participate/cooperate in the RCA program as required, the CWD shall make a cause determination.

.2 Conditions Under Which Cause Determination Shall Be Made

Using the criteria found in Section 69-208.3, the CWD shall make a cause determination within 10 working days of learning or being advised that the nonexempt refugee who is an RCA applicant or recipient has:

- .21 Failed or refused to register or participate with a CDSS-funded or CWD approved or referred employment-directed program as required; or

69-208	CAUSE DETERMINATIONS (Continued)	69-208
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- .22 Failed or refused to register or to maintain registration with EDD as required; or
- .23 Failed or refused to meet the requirements contained in Section 69-207.11; or
- .24 Failed or refused to comply with the requirements contained in Sections 69-207.12, 69-207.16 and 69-207.17; or
- .25 Failed or refused to comply with the requirements contained in Section 69-207.22.

.3 Factors That Must Be Considered in Cause Determinations

The CWD must include the following determinations, as appropriate, in considering whether good cause exists for failure or refusal to meet or comply with requirements regarding registration, employment, and employment-directed education/training.

- .31 There must be a determination that a bona fide offer of employment or employment-directed education/training was made to the individual. A bona fide offer of employment or employment-directed education/ training may originate from any source, approved or referred by the CWD (including CDSS-funded program) or the responsible agency for the initial resettlement of the refugee and may be temporary, permanent, full-time, part-time, or seasonal work.
- .32 There must be a determination that the individual:
 - .321 Failed or refused to register or participate with a CWD approved or referred employment-directed program or the initial responsible resettlement agency, or
 - .322 Failed or refused to accept the bona fide offer of employment or employment-directed education/training as planned, or
 - .323 The individual quit or was discharged from employment or employment-directed education/training.
- .33 There must be a determination that EDD either arranged an employer interview for the refugee or requested the refugee to report to EDD.

69-208	CAUSE DETERMINATIONS (Continued)	69-208
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- f. The daily hours of work and the weekly hours of work exceed those customary to the occupation; or
- g. The individual had a definite offer of full-time employment (100 hours or more per month); or
- h. The individual was prevented from participating or reporting due to physical or mental incapacity; or
- i. The individual was ill or was required to care for an ill member of the assistance unit because no other care arrangements were feasible; or
- j. The total daily commuting time to the employment or educational/ training site and return, would normally exceed two hours, not including the transporting of a child to and from a child care facility, unless a longer commuting distance is generally accepted in the community, in which case the round trip commuting time shall not exceed the generally accepted community standards; or
- k. The employment or training violated laws and regulations pertaining to discrimination based on age, sex, race, religion, color, national origin, marital status, political affiliation, or handicap; or
- l. The individual had other substantial and compelling reasons for failure to meet or comply with the requirements of Section 69-207.

.5 Additional Cause Determination Interview Requirements

- .51 In each case in which information from Refugee Cash Assistance (RCA) service providers or the Central Intake Unit (CIU) appears to indicate that good cause does not exist for an RCA recipient's refusal or failure to participate in an assigned RCA educational or training component, or to accept a job offer or referral, or to conduct job search, the county welfare department (CWD) shall conduct a face-to-face interview with the individual prior to making a good cause determination.
- .52 If the RCA recipient contacts the CWD worker prior to the scheduled cause determination interview to request a rescheduling, the individual shall be permitted one rescheduling of the interview. This rescheduled interview shall take place within ten working days following the date that the CWD becomes aware of a recipient's failure to cooperate/participate, or within thirty days of the date that the recipient failed to cooperate/participate, whichever occurs first.

69-208	CAUSE DETERMINATIONS (Continued)	69-208
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.53 The CWD shall be permitted to conduct telephone interviews to accomplish the cause determination if the CWD determines it is appropriate and the recipient agrees. Language interpretation by the CWD, when necessary, shall be provided in accordance with MPP Section 21-115.

.54 If the recipient does not keep the initial or rescheduled appointment for the cause determination interview, a cause determination shall be made from available information.

.6 Renumbered to Section 69-210.2 by SDSS Manual Letter No. SP-90-01, effective 4/2/90.

.612 Repealed by SDSS Manual Letter No. SP-90-01, effective 4/2/90.

.7 If the CWD determines that the individual does not have good cause for failing or refusing to comply with program requirements, the CWD shall develop a compliance plan to correct the instance of nonparticipation prior to sanctioning the individual.

.71 The CWD and the individual will develop the plan either over the telephone or face-to-face. The individual shall be provided a copy of the plan. If the individual agrees to a compliance plan over the telephone, a copy of the plan shall be mailed to the client.

.8 If the individual does not fulfill the terms of a written compliance plan agreed upon with the CWD, and the CWD determines based on available information that the individual did not have good cause for failure to meet the terms of the plan, the CWD shall send a notice of action to impose a sanction. If a sanction is imposed under the terms of this paragraph, no further compliance procedures are applicable.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; 45 CFR 400.83(a)(2); and Dang, et al. v. McMahon, et al., Alameda County Superior Court, No. 623839-9.

69-209	PENALTIES FOR FAILURE OR REFUSAL TO ACCEPT EMPLOYABILITY SERVICES OR EMPLOYMENT	69-209
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- .1 The individual who is no longer exempt in an RCA assistance unit shall be ineligible for RCA benefits until he/she has registered with the employment/training programs or EDD and participates in the employment services within 30 days of receipt of aid. Other nonexempt individuals in the assistance unit who fail or refuse to register shall be ineligible for RCA benefits.
- .2 When, without good cause, an employable nonexempt RCA recipient has refused or failed to meet or comply with the requirements of Sections 69-207.1 and .2, and Sections 69-208.7, .71, and .8, the CWD shall deny or terminate assistance.
- .3 Except as provided in Section 69-207.11, a noncomplying recipient shall be ineligible for RCA benefits for three payment months for the first occurrence and six payment months for subsequent occurrences from the date of discontinuance for refusal or failure to comply without good cause. Aid continues to the rest of the assistance unit if the members are otherwise eligible.
 - .31 The noncomplying refugee may request restoration of assistance at any time after the termination of assistance because of refusal or failure to comply. The effective date of restoration, however, shall be no earlier than the day after the completion of the penalty period.
 - .32 If the noncomplying refugee is a caretaker relative, assistance in the form of protective payments will be provided to the remaining members of the assistance unit in accordance with CalWORKs regulations, MPP Sections 42-721.46 and .461.
- .4 Notice of Intended Termination
 - .41 In cases of proposed action to reduce, suspend, or terminate assistance, the CWD shall give timely and adequate notice in accordance with Section 69-210.
 - .42 The CWD shall provide written procedures in English and in appropriate languages, in accordance with requirements in Section 69-205.23, for the determination of good cause, the sanctioning of refugees who do not comply with the requirements of the program, and for the filing of appeals by refugees.
 - .43 In addition to the requirements in Section 69-210, the written notice shall include:
 - .431 An explanation of the reason for the action and the proposed adverse consequences; and
 - .432 Notice of the recipient's right to a hearing.
 - .44 The CWD shall send or provide a written notice in English and a written translated notice, or a verbal translation of the notice, in accordance with Section 69-210.1, (Notices), to a refugee at least 10 days before the date upon which the action is to become effective.

NOTE: Authority cited: Section 10554, Welfare and Institutions Code. Reference: 45 CFR 400.54; 45 CFR 400.55; 45 CFR 400.82; 45 CFR 400.83(a)(2); 45 CFR 400.211; and Federal Register dated September 1, 1983, 68 FR 46089.

69-210	NOTICES AND HEARINGS	69-210
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.1 Notices

Notices shall be sent or provided to a recipient at least 10 days before the date upon which RCA will be reduced, suspended, or terminated.

- .11 In providing notice to an applicant or recipient to indicate that assistance has been granted, denied, reduced, suspended, or terminated, the written notice shall clearly state the action that will be taken, the reasons for the action, and the right to request a hearing.
- .12 In providing notice to an applicant or recipient to indicate that assistance has been granted, denied, reduced, suspended, or terminated, the CWD shall specify the program(s) to which the notice applied, clearly distinguishing between RCA and other assistance programs.
- .13 When a recipient is notified of termination because of reaching the time limit on RCA, the CWD shall review the case file to determine possible eligibility for CalWORKs or General Assistance due to changed circumstances. The notice to the recipient must indicate the result of that determination as well as the termination of RCA.

.2 Hearings

All applicants for and recipients of RCA shall be provided an opportunity for a hearing to: defend by confronting any adverse witnesses; present his/her own argument and evidence orally; and to contest adverse determinations.

- .21 The written notice of any hearing determination shall adequately explain the basis for the decision and the refugee's right to request any further administrative or judicial review.
- .22 RCA benefits may not be terminated prior to completion of final administrative action, but are subject to recovery by the CWD if the action is sustained.
- .23 A hearing need not be granted when:
 - .231 Federal law requires automatic grant adjustments for classes of recipients unless the reason for an individual appeal is an incorrect grant computation.
 - .232 Assistance is terminated because the eligibility time period imposed by law has been reached, unless there is a disputed issue of fact.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR Sections 400.54(a) and (b).

69-211	AID PAYMENTS	69-211
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Aid payments for RCA cases shall be based on CalWORKs regulations.

- .1 Refugees are eligible for recurring special needs allowances in accordance with CalWORKs regulations. Eligibility for nonrecurring special needs allowances exists but may be paid only for loss that has occurred subsequent to their arrival in California. Assistance for nonrecurring special needs is not to replace items of property that were left in the refugee's country of origin.
- .2 Where there is an urgent need for assistance, the CWD shall in accordance with CalWORKs regulations make such provisions as are necessary to cope with the emergency by speeding up the application process and by issuing the initial grant to the refugee on an immediate need basis where apparent eligibility and immediate need exists.
- .3 If the CWD is unable to confirm refugee status after checking the individual's documentation, which suggests eligibility, the CWD shall provide cash assistance to the individual verifying refugee status. The CWD shall follow Systematic Alien Verification for Entitlements (SAVE) system procedures for any refugee who presents questionable documentation for eligibility purposes, unless the refugee him/herself chooses to secure the appropriate documentation by contacting USCIS directly. If the CWD is not connected to the SAVE system, a G-845 form (Verification Request - Non-SAVE agencies) shall be submitted by the CWD to the local USCIS office.
- .4 Eligibility for pregnancy special needs shall be determined in accordance with CalWORKs regulations.
- .5 Payments for unaccompanied refugee minors shall be paid at the foster care rate calculations as determined in MPP, Chapter 45-300 (AFDC-FC Payee, Payment and Delivery).
- .6 Notwithstanding other eligibility requirements, refugee children who have been legally adopted by United States citizens are not eligible for assistance under RCA.
- .7 Repealed by CDSS Manual Letter No. SP-02-01, effective 2/1/02.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR 400.52; and 45 CFR 400.66; The Trafficking Victims Protection Act of 2000 (P.L.106-386), Sections 107 (b)(1)(A), (B), and (C); and the Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193).

69-212	OVERPAYMENT/UNDERPAYMENT ADJUSTMENTS AND FRAUD REFERRALS	69-212
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The methods outlined in CalWORKs regulations concerning the recoupment of overpayments, the correction of underpayments and the procedures concerning fraud shall be followed in RCA.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR Section 400.49.

69-213	UNACCOMPANIED REFUGEE MINORS	69-213
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- .1 An unaccompanied refugee minor is a refugee who:
 - .11 Meets the age requirements of MPP Section 42-101.1.
 - .12 Is eligible to receive services under the RRP in accordance with MPP Section 69-202.1.
 - .121 Minors who are granted asylum must be reclassified as an unaccompanied refugee minor by the federal Office of Refugee Resettlement (ORR).
 - .122 Minors who are victims of trafficking and any minor family members (children or siblings) do not need to be reclassified but must have a letter from the federal ORR stating they are victims of Trafficking.
 - .13 Entered the United States unaccompanied by and not destined to:
 - .131 A parent or;
 - .132 A close nonparental adult relative who is willing and able to care for the child, or;
 - .133 An adult with a clear and court-verifiable claim to custody of the minor who has no parent(s) in the United States.
 - .14 Has no parent(s) in the United States.
- .2 An unaccompanied minor continues to meet the criteria for unaccompanied minor and is eligible for child welfare services and foster care payments until the minor:
 - .21 Is reunited with a parent; or
 - .22 Is united with a nonparental adult, either relative or nonrelative, willing and able to care for the child to whom legal custody and/or guardianship is granted under state law; or
 - .23 No longer meets the age requirements of MPP Section 42-101.1.

69-213	UNACCOMPANIED REFUGEE MINORS (Continued)	69-213
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- .3 Procedures for establishing legal responsibility for the unaccompanied refugee minor with an appropriate court, if action by a court is required, shall be initiated by the VOLAG within 30 days after the minor arrives at the location of resettlement.
- .4 Responsibility for the care, custody and control of unaccompanied refugee minors shall be established under Welfare and Institutions Code Section 300 or Probate Code Sections 1500 or 1501.
- .5 Placement of unaccompanied refugee minors in foster care shall be made in accordance with Child Welfare regulations, Division 31 of the MPP, and eligibility for foster care payments shall be made in accordance with MPP Division 45, Chapter 200.
- .6 In addition to the case planning requirements of Division 31, the VOLAG shall plan for the provision of the following services to unaccompanied refugee minors.
 - .61 Orientation, assessment, and counseling to facilitate the adjustment of the child to American culture;
 - .62 Preparation for participation in American society with special emphasis on English language instruction and occupational as well as cultural training as necessary to facilitate the child's social integration and to prepare the child for independent living and economic self-sufficiency;
 - .63 Preservation of the minor's ethnic and religious heritage; and
 - .64 Preparation of Refugee and Entrant Unaccompanied Minor Placement Report, ORR-3 (10/86), and annual Refugee and Entrant Unaccompanied Minor Progress Report, ORR-4 (10/86), to be sent to CDSS for the purpose of aiding family reunification.
 - .641 The VOLAG shall send to CDSS:
 - (a) The initial ORR-3 within 30 days of the minor's placement in the location of the resettlement.
 - (b) An ORR-4 every 12 months beginning with 12 months from the date of the initial ORR-3.
 - (c) An ORR-3 within 60 days of the date that:
 - (1) The minor's placement is changed;
 - (2) Legal responsibility of any kind for the minor is established or transferred; or
 - (3) Is emancipated.

69-213	UNACCOMPANIED REFUGEE MINORS (Continued)	69-213
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(d) A final ORR-3 within 60 days of the date that the minor:

(1) Is reunited with a parent; or

(2) Is united with a non-parental adult (relative or non-relative) to whom legal custody, guardianship, or adoption is granted under state law and who is willing and able to care for the minor; or

.7 After the initial placement of an unaccompanied minor, the procedures for interstate movement, MPP Section 30-366, that govern the movement of non-refugee foster care cases to other states also apply to the movement of unaccompanied minors to other states.

.8 Unaccompanied refugee minor cases shall be claimed under RCA. The time limit applicable to RCA cases required in Section 69-202.41 does not apply.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 300, 10553, and 10554, Welfare and Institutions Code; Section 1500, California Probate Code; ORR State Letter 01-13 dated May 3, 2001; ORR State Letter 02-07 dated March 6, 2002; and 45 CFR Sections 400.110 - 400.120 - Child Welfare Services.

69-214	TERMINATION OF AID	69-214
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Aid payments to refugees under the RCA program shall be discontinued in accordance with CalWORKs regulations and under the following circumstances except that the number of hours worked shall not be a basis for termination:

.1 A sponsor is meeting the full needs of the refugee or refugee family, in accordance with CalWORKs standards of assistance.

.2 A refugee marries a United States citizen or other non-refugee, including a time-expired refugee, who is able to meet the refugee's needs. In these circumstances, aid shall be discontinued for the refugee parent. Aid for the minor child(ren) in the assistance unit shall be continued unless the United States citizen or other nonrefugee stepparent is able to meet all needs of the child(ren) in accordance with CalWORKs standards of assistance.

.3 A refugee becomes time-expired (per Section 69-205.21), or otherwise loses refugee status.

.4 A refugee fails to meet, without good cause, the registration, employment and educational/training requirements (see Section 69-207).

69-214	TERMINATION OF AID (Continued)	69-214
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- .5 If 100 percent federal funding for cash assistance or administrative costs ceases for the RCA Program.
- .6 A refugee becomes a full-time student in a college program in an institution of higher education, except as provided in Sections 69-205.42, 43, and 44.
- .7 Reserved
- .8 Renumbered to Section 69-214.7 by Manual Letter No. SP-91-01, effective 2/1/91.
- .9 Repealed by Manual Letter No. SP-91-01, effective 2/1/91.

NOTE: Authority cited: Section 10553 and 10554, Welfare and Institutions Code. Reference: Section 10553, and 10554, Welfare and Institutions Code.

69-215	INTERCOUNTY TRANSFERS	69-215
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The procedures for intercounty transfers as outlined in CalWORKs program regulations shall be applied in RCA.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

69-216	CASE RECORDS	69-216
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- .1 A case folder shall be set up for each refugee assistance case which shall contain a payment record and related documents. The authorization and payment process for all refugees shall be completed by using CDSS approved county procedures.
 - .11 The requirements in MPP Sections 23-353 through 23-361 shall apply to refugee case records.
- .2 The case record shall include the following information in addition to that required by CalWORKs program regulations:
 - .21 The Passport or Alien Registration Number which appears on the appropriate USCIS form.
 - .22 The name and address of the local sponsor or voluntary resettlement agency which resettled the refugee.

69-216	CASE RECORDS (Continued)	69-216
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- .23 The information obtained from the sponsor or voluntary resettlement agency as part of the eligibility determination process (per Section 69-203.21).
- .24 A copy of the I-94 and any other USCIS documentation that identifies refugee status and date of entry for each refugee in the assistance unit.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

69-217	CLAIMING AND REIMBURSEMENT	69-217
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.1 Cash Assistance

The federal legislation provides for reimbursement for aid payments and administrative costs as long as funds are available. Claims are to be submitted in accordance with instructions issued by CDSS.

.2 Case Numbers - General

- .21 All RCA cases, including those for unaccompanied refugee minors, shall be designated with the aid code 01.
- .22 Repealed by Manual Letter No. SP-91-01, effective 2/1/91.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

69-221	FAIR HEARINGS	69-221
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Repealed by CDSS Manual Letter No. SP-02-01, effective 2/1/02.

69-300	CUBAN/HAITIAN ENTRANT PROGRAM	69-300
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69-301	GENERAL STATEMENT	69-301
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In accordance with Title V (Fascell-Stone Amendment) of the Refugee Education Assistance Act of 1980 (Public Law 96-422, October 10, 1980 as interpreted in 45 CFR Part 401), there is hereby established a Cuban/Haitian Entrant Program (CHEP) to provide eligible Cubans and Haitians with cash assistance and social services.

CHEP is separate and apart from the Refugee Resettlement Program (RRP), however, the objectives, administration, the level of Federal Financial Participation, program eligibility criteria and case maintenance policies are identical to those of the RRP. There is a special cash assistance program within CHEP for Cuban and Haitian Entrants known as Entrant Cash Assistance (ECA). Eligibility criteria for ECA benefits shall be the same as those outlined in RRP regulations, MPP Chapter 69-200, except that the definition of a refugee is not applicable to CHEP or ECA. All current CalWORKs Program regulations relating to financial eligibility and payments apply unless superseded by the Entrant Cash Assistance Program regulations contained herein, or the RRP regulations in Chapter 69-200.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

69-302	CUBAN/HAITIAN ENTRANTS STATUS REQUIREMENTS	69-302
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Cuban and Haitian entrants with the following statuses are eligible for RRP benefits.

- .1 Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided.
- .2 A national of Cuba or Haiti who was paroled into the United States and has not acquired any other status under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.
- .3 A national of Cuba or Haiti who is the subject of removal, deportation or exclusion proceedings under the INA and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered; or
- .4 A national of Cuba or Haiti who has an application for asylum pending with the USCIS and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR 400.66(a).

69-303	TIME-ELIGIBILITY	69-303
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Time eligibility for Cuban Haitian Entrant's, including entrant children born in United States resettlement camps, begins with their date of parole (release from USCIS custody).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10553 and 10554, Welfare and Institutions Code.

69-304	TERMINOLOGY	69-304
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The term ECA refers to the federally-funded program of cash assistance which is available to Cuban or Haitian Entrants who do not meet the categorical requirements of other state/federal cash assistance programs (CalWORKs or SSI/SSP).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 300, 10553 and 10554, Welfare and Institutions Code.

69-305	UNACCOMPANIED CUBAN/HAITIAN ENTRANT MINORS	69-305
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.1 An unaccompanied entrant minor is a Cuban/Haitian entrant who:

.11 Meets the age requirements of MPP Section 42-101.1; and

.12 Entered the United States unaccompanied by a parent or one of the following immediate adult relatives: grandparent, aunt, uncle, sibling, or any adult who arrived having documentable legal evidence of custody of the minor; and

.13 Has no parent(s) in the United States.

.2 Unaccompanied entrant minors reunited with nonparental adult relatives or under the care of legally responsible adults shall be considered as unaccompanied minors if they were unaccompanied at the time of their entry into the United States.

.3 Provisions in Sections 69-213.2 through .8, unaccompanied refugee minors, shall apply to unaccompanied entrant minors.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 300, 10553 and 10554, Welfare and Institutions Code.

69-306	CASE RECORDS	69-306
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.1 Case Numbers - General

All ECA cases, including those for unaccompanied minors, shall be designated with the aid code 08.